

1. (amended) An optical recording medium for performing at least one of recording and reproduction of information by irradiation of light, comprising;

on a substrate with fine concavities and convexities formed on a surface thereof on a side onto which said irradiation of light is performed a formed film layer the surface of which is made a surface of fine concavities and convexities representing said fine concavities and convexities and which has at least a recording layer; and

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a light transmission flattenable film which buries therein the fine concavities and convexities surface, and which has a transmission characteristic with respect to the irradiated light, and which has its surface polished and has a hardness enabling it to be polished,

wherein said light transmission flattenable film includes a backing layer, a light transmission flattenable layer and a surface layer, said backing layer being above said formed film layer, said light transmission flattenable layer being above said backing layer, and said surface layer being above said light transmission flattenable layer.

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9. (amended) The optical recording medium according to claim 1, wherein the thickness of the light transmission flattenable

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film is made to be equal to or smaller than the thickness of the formed film layer.

Please add the following claims.

35. (new) The optical recording medium according to claim 1, wherein said light transmission flattenable film is capable of being polished.

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36. (new) The optical recording medium according to claim 1, wherein said backing layer is a first dielectric, said light transmission flattenable layer is a second dielectric, and said surface layer is a third dielectric.

37. (new) The optical recording medium according to claim 36, wherein said first dielectric, said second dielectric and said third dielectric are the same dielectric.

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38. (new) The optical recording medium according to claim 1, wherein said light transmission flattenable film is on said formed film layer.

39. (new) The optical recording medium according to claim 38, wherein said backing layer is on said formed film layer, said light transmission flattenable layer is formed on said backing layer, and said surface layer is on said light transmission flattenable layer.

40. (new) The optical recording medium according to claim 1, wherein said formed film layer includes a reflection film, a first dielectric film and a phase change recording layer.

41. (new) The optical recording medium according to claim 40, wherein said reflection film is formed on said substrate, said first dielectric film is formed on said reflection film, and said phase change recording layer is formed on said first dielectric film.

REMARKS

This is a full and timely response to the non-final Office Action dated April 2, 2002. Reexamination and reconsideration in light of the above amendments and the following remarks are courteously requested.

Claims 1-41 are pending in this application, with claims 1 and 19 being independent. No new matter is added.